

Notice of Allowability

Application No.

09/815,973

Examiner

F. Ryan Zeender

Applicant(s)

MENNINGER ET AL.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment submitted 11/22/2004.
2. ☒ The allowed claim(s) is/are claims 1-18.
3. ☒ The drawings filed on 06 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/23/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William T. Ellis on 12/01/2004.

The application has been amended as follows:

In claim 13, line 3, the following terminology was inserted before "comprising:"
—wherein an independent supply chain manager receives authorization to negotiate prices for the provision of products by distributors to independent stores in the franchise supply chain, and wherein the independent supply chain manager negotiates with a distributor a mark up amount to be added to a cost of products obtained from a supplier,---

In claim 13, lines 4-8 were deleted.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Shavit et al., US4799156, disclose a supply chain management system including: the use of an independent agent/manager, electronic interactive access to services related to selling/buying, placing electronic orders, and providing an alert feature.

Shavit et al. lack the specific teaching of: the independent manager negotiating a mark up amount, the management system determining a mark up added to the products, and the management system comparing the mark up added to the mark up negotiated, and generating an alert if a discrepancy is found; tracking sales data against forecasted sales and generating an alert if there is a deviation that exceeds a threshold; and generating an alert upon determining that the management system did not receive a confirmation of the receipt of the electronic order form from the distributor.

The PR Newswire article, "Andersen Consulting Announce Strategic Alliance, Looksmart, September 6, 2000, teaches the use of an agent/manager for use in managing a supply chain management system. This reference also lacks the specific teaching of: the independent manager negotiating a mark up amount, the management system determining a mark up added to the products, and the management system comparing the mark up added to the mark up negotiated, and generating an alert if a discrepancy is found; tracking sales data against forecasted sales and generating an alert if there is a deviation that exceeds a threshold; and generating an alert upon

determining that the management system did not receive a confirmation of the receipt of the electronic order form from the distributor.

Gourley, WO 00/51038, teaches a distribution management and inventory control system. Gourly also lacks the specific teaching of: the independent manager negotiating a mark up amount, the management system determining a mark up added to the products, and the management system comparing the mark up added to the mark up negotiated, and generating an alert if a discrepancy is found; tracking sales data against forecasted sales and generating an alert if there is a deviation that exceeds a threshold; and generating an alert upon determining that the management system did not receive a confirmation of the receipt of the electronic order form from the distributor.

The features lacking in the prior art, in combination with the other elements clearly claimed in the application for patent, are novel and unobvious.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Zeender
Primary Examiner, A.U. 3627
Wednesday, December 01, 2004

 12/1/04
F. RYAN ZEENDER
PRIMARY EXAMINER